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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,446	07/13/2004	Shigezo Kukita	5259-000042/NP	9895

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ABRAMS, NEIL

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,446

Applicant(s)

KUKITA

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 16-31 and 33-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 32 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Patents listed on 1449 and those applied in the PCT/JP case should be supplied. Only the Europe patent (No 8) has been received. Note that these are not US patents and therefor copies are necessary for consideration

Drawings, figures 28-33 are to prior art and must be so labeled.

1. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Title is overlong.

Non-elected claims should be cancelled.

Abstract at end. "A installation tool (figures 12, 13) with a guide parts (22c, 22d) for opening the clip parts (1a,1b) as they are slid along the tool is disclosed. In another embodiment labels (719, 720) may be applied to plugs (75) and receptacle (72) and an instrument (722) with optical readers (723, 724) used to read codes on the labels" or equivalent should be added. Line 8 from should be -- through--.

Claim 12 objected to, "the clip part" has no antecedent basis. Claim 13, objected to "the ... label" has no antecedent basis.

2. Claims 8, 14, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 8 is confusing when read together with parent claim 1 is unclear since figures 19, 20 device is not clearly shown to include the claim 1 "holding part" and specification does not make clear that figure 19, 20 tag includes such part (8 in figure 1) as well as holes 13, 13. Is this for alternative types of attachment.

4. Claim 14, lines 7-9 and claim 15, line 5 are unclear. Review and clarification required.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim 8 device as best understood with claim 1 holding means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification objected to, for figures 19, 20, clarification is required, see above discussion.

6. Claims 1-7, 9-10, 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Germany 3908917 alone or in view of Europe 568510 and PCT 90/10284.

7. German patent is to a tag 1', figures 4-5 with a base and clip parts 3', 3'' and holding part (tongue) 5' for retaining a conductor. Fig 1 includes base at 2, lip parts at 1 and holding parts 3,3.

8. Part 1 appears to be an identification tag, however should this is at issue, Europe at 4 and PCT at 1 show identification means. Obvious to use such features on German device to provide clear identifiers.
9. Claim 2, part 5' and 3 are seen to be elastic.
10. Claim 3 met by tongue 5' and also by tongue 7'. Figs 4,5.
11. Claim 4 met by German device presser part 5' and anti-disengagement tongue 7'.
12. For claims 6-7, Germany tag lacks a rough surface. PCT at 12, figure 4 includes such a surface. Obvious to provide such feature on German tags to prevent tag from turning.
13. Claim 9 uses of curved lines shown figs 4,5 at 4', 3' also met by Germany, figure 1 device applied with PCT and Europe as discussed above. Claim 10 relates to obvious variation, that produces no stated new result.
14. Claim 12 met by Germany taken with Europe, figure 2 such choice of top or side being an obvious design matter,
15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Vogdes.
16. German tag lacks a bar code. Vogdes discloses such feature, column 6, and line 54. Obvious to use such bar code on German tag to enable use of optical readers.
17. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breurs in view of Tones and Piana.

18. Breurs tool includes a slide 5, 6 for tag 3, an opening guide 9 which holds object 8 while tag 3 slide along parts 5, 6, 9. Breurs lacks an installation member (pusher).

Tomes uses such a member at 63. Obvious to use such pusher member on Breurs tool to enable easier use. Since claim 14 is to a tool, specific claim 1 features cannot overcome Breurs tool, which is capable of use with tag like that of claim 1. In addition, obvious to form Breurs tag with features like those of Piana at 4. This would enable use with different size wires.

19. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breurs in view of Piana.

20. Breurs is disclosed above with steps of tag 3 placed on wire 8. Breurs lacks claim 1, tag with "holding part". Piana tag has a holder (presser) at 4 (upper tag segment read as a base). Obvious to use Breurs with such a Piana type tag to enable its use with varied size wires.

21. Claim 32 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Black.

22. Figure 3 includes connector 2 with wireless tag 1 with device or connector information and cable attached to the connector. As an alternative should issues arise, also deemed obvious to use tag 1 to include record of connector information, Figures 4, 5 similarly applied a connector information necessary for inventory.


23. Claims 1-5, 9, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Piana.

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24. Piana, figures 1, 8 tag (clip) includes base at top half of sleeve 1, clip parts at lower extents of sleeve 1 and at 2, 2, holding part 4, anti-disengagement part (other tongue 4). Claims 5, 9 met by Piana tag. For claim 13, note two dimensional code rings 7.

25. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number 571-272-2089.


NEIL ABRAMS
EXAMINER
ART UNIT 322